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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Advanced Television Systems and
Their Impact upon the Existing
Television Broadcast Service

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9260
RM No. 97-_____

To: The Commission - Mail Stop 1170

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

Telemundo Group, Inc. ("Telemundo"), by its attorneys, hereby supports the Petition for Rulemaking filed by the Community Broadcasters Association ("CBA") in the captioned proceeding. 1/ Telemundo endorses CBA's proposal to create a new "Class A" television service that would be available to those low power television stations providing unique programming services to their communities. The "Class A" designation would protect these stations from interference (or displacement) from any source, except currently authorized full power NTSC and DTV television stations (including the facilities specified in the DTV table of allotments). This protection will provide critical security for Telemundo's affiliated low power television stations, which will encourage both investment in these stations' continued operations and the continued development of innovative programming on the stations.

1/ Telemundo supports the initiation of this rulemaking proceeding, but would recommend adoption of certain modifications to CBA's draft rules. The proposed rules are set forth in Attachment 1, blacklined to show Telemundo's changes.

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I. The Class A Television Classification Will Preserve and Enhance Valuable LPTV Service

Telemundo is one of the leading sources of Spanish language news, information and entertainment programming for the nation's Hispanic population, which traditionally has been unserved or underserved by English language television.

Telemundo controls the licenses of seven full-power television stations and 14 low power television stations in the continental United States and one full-power television station in Puerto Rico. It is also the parent of Telemundo Network, Inc., which provides 24 hours per day of Spanish language programming for distribution to Telemundo's owned full-power and low power stations, as well as its 15 independently owned low power television affiliates.

Telemundo currently serves 85 percent of Hispanic households in the continental United States via full power television, low power television or cable service. Low power television stations are an integral part of Telemundo's distribution network, providing service to Hispanic viewers who do not reside within the service areas of Telemundo's full power stations. Almost twenty percent of Telemundo's viewers receive their Telemundo service via low power television stations. In many areas in California and Texas, and in large metropolitan areas such as Boston, Massachusetts and Washington, D.C., Telemundo relies exclusively on low power affiliates to distribute its network programming to the Hispanic community.

Telemundo's owned and operated low power television stations and its low power affiliates already provide unique service to the areas where those stations

are located, offering in many cases the only free programming directed at the needs and interests of the Hispanic community. In addition to providing Telemundo network service, five Telemundo low power affiliates presently offer locally produced news and public affairs programming (see Attachment 2 for a description of the local programming on Telemundo's Salt Lake City Station). Two more low power Telemundo affiliates plan to launch local news programs in 1998, a trend that could continue among other Telemundo stations if the Commission provides some level of certainty that the investment required to originate local programming will not be wasted.

II. The Rules Proposed By CBA Should Be Modified in Several Minor Respects

Telemundo's proposed modifications to CBA's proposed rules are set forth in Attachment 1 hereto, which has been blacklined to show the changes. First, Telemundo proposes changing Section 73.627(c)(iv) to reflect that Class A operations will protect not only existing full power stations but also full power DTV operations that are authorized under the current DTV table of allotments. Second, Telemundo suggests modification of CBA's proposal to limit Class A DTV power levels to one-tenth the power levels of full power DTV stations. This will generally ensure that Class A TV DTV stations will not operate at higher DTV power levels than full power DTV stations. Third, Telemundo's modifications make clear that Class A stations will not be permitted to displace existing low power stations. Fourth, Telemundo clarifies the types of stations that will be entitled to apply for Class A status.

Finally, Telemundo proposes modifications that would allow flexibility in determining the principal community served by a Class A station. Specially, the modifications would qualify coverage of the principal community of license as coverage of at least 75 percent of the population or 75 percent of the land area in the community, as selected by the applicant. This allowance is required because interference conditions may prevent low power stations from serving their entire communities of license, particularly during the DTV transition period.

With reference to the area in which programming would qualify as "local" under the Class A rules, Telemundo recommends defining the area to include production within 15 miles of the principal community of license or within the contour defined in 73.625(a)(i) and 73.683(a), whichever is greater. Excessive restrictions on the area within which qualified local programming could be produced hinders, rather than helps, a Class A station's ability to serve its local viewers. It could discourage production in areas adjacent to the principal community of license which have an impact on that community. Furthermore, during the DTV transition phase, Class A stations may use cable carriage to extend coverage throughout the community.

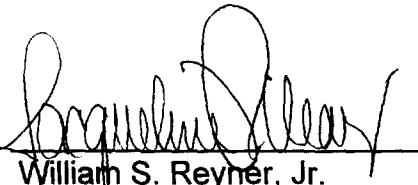
Conclusion.

At a time when the future of low power television is uncertain, the creation of a "Class A" status will permit low power stations to continue broadcasting without the

threat of displacement. This certainty will foster investment in facilities and programming and will encourage these stations to continue with their commitment to provide quality programming to subscribers.

Respectfully submitted,

TELEMUNDO GROUP, INC.

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Dated: May 22, 1998

Attachment 1

A new Section 73.627 is added to read as follows:

73.627. Class A Television Stations

(a) Licensees of low power television and television translator stations under subpart G of part 74 of this chapter may apply to convert their licenses to Class A television station licenses under this section. Applications for Class A television licenses must be filed by *[one year after effective date of rules]*.

(b) A separate application must be filed for each channel on which Class A operation is proposed. Each application must contain a showing of the following for a continuous period of 3 months immediately preceding submission of the application:

(i) Compliance with the minimum operating schedule required for television broadcast stations under section 73.1740.

(ii) The broadcast of not less than 3 hours in each calendar week of programming produced within the station's principal city contour (as defined in section 73.683(a) for NTSC service and section 73.625(a)(1) for digital service) or within 15 miles of the station's city of license, or produced within a principal city contour or within 15 miles of a city of license of any station of a group of commonly controlled stations that carry common local or Specialized Programming. Δ

(c) An application for a Class A television license must be filed on Form 301, including all information and exhibits required by that form, except for Section III (financial qualifications), and must include the following supplemental material:

(i) A statement of the file number and date of issuance of the station's initial license under part 74.

(ii) A certification that from and after the date of the application, the station is operating and will continue to operate in compliance with all requirements of subparts E and H of part 73, except for sections 73.606(b), 73.607, 73.609, 73.610, 73.614, 73.622, 73.623 (except subsection (c)), and 73.3555, which sections shall not apply to Class A television stations, and compliance with subsection (d) of this section.

(iii) All Class A stations shall request and be assigned call signs pursuant to section 73.3550 of this part.

(iv) A showing that the Class A station will not cause interference within the protected contour of (i) any television station that is operating on a channel

specified in sections 73.606(b) or 73.622(b); or (ii) the future operation of any DTV station operating pursuant to the parameters set forth in Section 73.622(b); as of the date of filing of the Class A application, or within the protected contour of any low power television or television translator station authorized by construction permit or license prior to the date of filing of the Class A application.

(d) An application for a Class A television station may not propose a change in channel or an extension of the station's principal city coverage area as defined in section 73.685(a) of this part. However, separate applications for Class A status and for facilities changes will not be considered inconsistent and may be pursued at the same time. Applications proposing no change in channel or increase in coverage area will not be subject to mutually exclusive applications.

(e) A Class A television station licensee may apply for a construction permit to modify its facilities to operate with any combination of effective radiated power and antenna height that will not cause interference within the Grade B contour of any television station that is operating on a channel specified in sections 73.606(b) or 73.622(b) as of the date of filing of the Class A application, or within the protected contour of any low power television or television translator station authorized by construction permit or license prior to the date of filing of the Class A application, under the interference standards applicable to full power television stations under this part. Class A stations shall be limited to the following maximums:

- (i) NTSC effective radiated power:
 - Channels 2-6: 10 kW
 - Channels 7-13: 31.6 kW
 - Channels 14 and above: 500 kW

Digital effective radiated power:
One-tenth the limits in sections 73.622(e)(4), (5), and (6)

(ii) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section.

(iii) The effective radiated power at any angle above the horizontal shall be as low as the state of the art permits, and in the same vertical plane may not exceed the effective radiated power in either the horizontal direction or below the horizontal, whichever is greater.

(iv) If antenna height above average terrain exceeds 2,300 meters, effective radiated power shall be reduced to produce predicted coverage no greater than the equivalent of the maximum effective radiated power at 2,300 meters height above average terrain.

(f) An ownership report, as required by section 73.3615, and copies of contracts, as required by section 73.3613, shall be filed within 30 days after grant of a Class A license.

(g) A Class A television station shall be protected from interference within the contours described in Section 73.325(a)(1), except from stations (including low power television and television translator stations) with facilities that were authorized on or prior to the date of filing of the Class A application and facilities specified in section 73.622(f). If a station authorized on or prior to the date of the filing of a Class A application will receive interference from the Class A television station, the Class A television licensee may apply for a change of channel. Such applications may be filed at any time and will be processed on a first-come, first-served basis, not subject to mutually exclusive applications. An application for a change of channel filed by a Class A television station to avoid interference that would be caused to or received from a full power digital television station based on the Class A station's authorized facilities shall be given priority over an application for a change of channel by a low power television or television translator station.

(h) For purposes of this section, "Specialized Programming" shall be defined to include programming traditionally recognized by the FCC as specialty programming, including, but not limited to, foreign language programming.

A new Section 73.622(i) is added to read as follows:

(i) Class A television licensees may apply for digital facilities as follows:

(1) A Class A television licensee may apply for an additional channel for digital operation, without regard to section 73.622(b), provided that the proposal would comply with sections 73.623(c) and (f) with respect to stations authorized prior to the date of the application and will not cause interference within the protected contour of any low power television or television translator station authorized prior to the date of the application. Such applications will be processed on a first-come, first-served basis.

(ii) A Class A television licensee may apply at any time to convert from NTSC to digital operation on its existing channel, provided that such conversion complies with interference standards applicable to full power digital stations or would not cause any more interference to any other station authorized under part 73 prior to the date of the conversion application than was caused by NTSC operation.

(iii) Class A television licensees may apply for any digital channel listed in section 73.622(b) at any time if the television licensee eligible for such channel under section 73.622(c) has not filed an application for construction permit by the deadline specified in section 73.647(e) and has not been granted a waiver or extension of the deadline for filing the application.

A new Section 73.624(g) is added to read as follows:

(g) Any application for digital operation by a Class A television station filed pursuant to section 73.622(i)(1) will require completion of construction and commencement of operation within 18 months. Class A television stations that provide digital service on a separate channel from NTSC service will also be subject to the deadlines specified in sections 73.624(d)(1)(iii) and 73.624(f).

Section 73.625(a)(1) is amended to read as follows:

(a) Transmitter location.

(1) The DTV transmitter shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum F(50,90) field strength in dB above one uV/m will be provided over the entire principal community to be served:

Channels 2-6	28 dBu
Channels 7-13	36 dBu
Channels 14-69	41 dBu

For Class A television stations, the required minimum values shall be as follows and shall be placed over 75% of the population, or at the option of the applicant, the land area of the community of license:

Channels 2-6	<u>28</u> dBu
Channels 7-13	<u>36</u> dBu
Channels 14-69	<u>41</u> dBu

Section 73.683(a) is amended to read as follows:

(a) The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum field strength in decibels above one microvolt per meter (dBu) will be provided over the entire principal community to be served:

Channels 2-6	Channels 7-13	Channels 14-69
74 dBu	77 dBu	80 dBu

The following minimum field strength must be provided over at least 75% of the population, or at the option of the applicant the land area, of the community of license of a Class A television station:

Channels 2-6
62 dBu

Channels 7-13
68 dBu

Channels 14-69
74 dBu

Section 1.1104 is amended to read as follows:

1. Commercial TV Stations:
 - a. New and Major Change Construction Permits and Applications for Class A Licenses.....

Attachment 2

K48EJ Local Programming

Salt Lake City, Utah

New Digital DV Cameras create all local programming with sharper, more vibrant pictures. NEW DV STUDIO.

Every Week programs:

TOTAL HOURS FOR LOCAL PROGRAMMING PER WEEK ARE:

ANDY's RITMO 1 HOUR

DANNY RAY 1 HOUR

NEWS HEADLINES..10 MINUTES minimum 25 min maximum

WEATHER PER WEEK 20 MINUTES

PENTECOSTAL CHURCH 30 MINUTES PER WEEK

QUE PASA 30 MINUTES TO ONE HOUR PER WEEK

¿QUE PASA, UTAH?

NEWS INTERVIEW PROGRAM

Current news events, and features on interesting Utah Hispanics as well as cooking, students, sports, politics, hobbies, and video created by Hispanics including pretty pictures. (FOR EXAMPLE, one program features a Utah Hispanic who has graduated in Modern Dance from Utah State and is a member of the Rire Woodbury group. Includes a new Hispanic Modern dance with the entire group as well as the featured performer. ONE HALF HOUR TWICE A WEEK TUES AT 6 PM AND WED AT 7:30 AM on alternate weeks to every week. We sometimes lose a week's programming because of production problems.

NOTICAS UTAH

2 minutes of Today's Local News in Spanish.

9:57 p.m. Mon thru Friday, just in front of Telemundo Noticero at 10. and 7:38 am Mon thru Fri except Tues (Que Pasa)

WEATHER

2 minutes at 7:58 am and 5:58 pm

EMERGENCY NOTICES EAS

Channel 48 automatically prints weather and community emergency notices across the screen in Spanish as activated by the Weather Bureau and the Utah State Emergency Office.

K48EJ Local Programming

Salt Lake City, Utah

ANDY'S RITMO

Utah's number one Hispanic Radio DJ features top local bands, and a lot of videos from current national Hispanic Groups. SATURDAYS AT 10 am one hour.

DANNY RAY SHOW

Local musical groups entertaining at a Nightclub with contests and prizes. Hosted by Danny Ray, Utah's most popular nighttime star. SATURDAYS AT 11 AM.

THE GOVERNOR'S PRESS CONFERENCE MONTHLY

The Governor is interviewed by reporters from Utah's newspapers and broadcast media each month. The Governor is in English with the Office of Hispanic Affairs responsible for the Spanish Translation.

EDUCATIONAL AS AVAILABLE

A co-operative presentation of several educational programs Produced by University of Utah's KUED in Spanish or translated into Spanish by KEJ-TV. Hour long specials as available. Working with KUED is new, and a welcome way to bring together the Educational community with the Hispanic community.

OGDEN UTAH EDUCATIONAL CONFERENCE, the basic for a new continuing program between the Hispanic Community, The City of Ogden, and the Ogden School District.

RELIGIOUS

*LIVE FROM TEMPLE SQUARE...BROADCAST
THROUGHOUT THE WORLD...THE SEMI-ANNUAL
CONFERENCE OF THE CHURCH OF JESUS
CHRIST OF LATER DAY SAINTS...IN SPANISH.* 8
hours in the Spring and Fall . Produced by the Mormon
Church, this program is available in Utah in English on their
Channel 5 and in Spanish on Channel 48.

K48EJ Local Programming

Salt Lake City, Utah

CATHOLIC MASSES AS AVAILABLE.

Bishop Neiderhaur celebrated the Guadalupe Mass in Spanish from the Cathedral in December to start this once- a month visit to various Catholic Spanish Parishes.

PENTECOSTAL CHURCH EVERY WEEK

30 Minutes a week now, about to increase to one hour a week all locally produced.

One Time Events

LOCAL SPECIALS

KEJ-TV IS THE LEADER IN COMMUNITY INVOLVEMENT AND SPECIAL PROGRAMS FOR EVENTS

Because of the nature of local programming Class A or LPTV, we can devote more time to public service events. We carry the entire program and everything the speakers say.

1. **CINCO DE MAYO** ..sponsors two events, Salt Lake City and Midvale. Includes dances, dramatic presentations, bands, singers etc. **BOOTH AND AUDIENCE CONTACT.**

2. **LA RAZA YOUTH CONFERENCE** special programs and speakers addressing Hispanic youth and the Hispanic Teachers throughout Utah. 2 hours plus.

3. **LIVING TRADITIONS FESTIVAL**
Multi cultural programs of songs, dances and crafts sponsored by Salt Lake City. One Hour.

4. **PARADES, DAYS OF 47 PIONEERS, FOURTH OF JULY, AND MIDVALE PIONEERS PARADE....OUR 1997 FLOAT IS FEATURED IN ALL PARADES, One hour Broadcast....**

5. **HISPANIC AMERICAN FESTIVAL**, sponsored by the State of Utah and Salt Lake County. Features two stages, cross over artists, and booths. One Hour Program

6. **UTAH STATE FAIR**, celebrating Hispanic contributions complete promotion including tickets, booths etc. One Hour Program and Updates.

7. **September 16 Simon Bolivar Independence Celebration**, Music, booths, Celebrating the **HISPANIC CLUBS OF UTAH**. Banners. **MISS HISPANIC UTAH COMPETITION.** One hour program.

8. **La Raza CHAVEZ HONORS BANQUET**, two hours honoring outstanding people who have benefited the Hispanic Community in Utah.

honoring outstanding people who have benefited the Hispanic Community in Utah.

9. COLUMBUS DAY CLUBS FIESTA

Music, dance, and food on Columbus day, one hour program.

General Comments on Local Programming

From John Terrill, General Manager K48EJ, Salt Lake City

In addition to the above outline of programs on Channel 48, please consider this practical experience.

Local Programming

In addition to the usual every day news, weather, and sports; local programming must have the ability to allow almost unlimited time to special annual events and, on a monthly level, programming to meet the needs of the various clubs and groups.

Governmental communication to the Hispanic Community results in various community groups that want to discuss the proposed governmental plans based on the needs of their own Hispanic Group. For Example, people with a Mexican Heritage may disagree with, or want additional values, from those with Colombian or Puerto Rican heritage.

The best way to serve all the diverse groups within the Hispanic community is to be able to allow for programming that gives each group time for it's own say. Each leader needs to be able to access the station.

Stability in station operation is essential to provide a solid base for a diverse culture with many viewpoints. People need to be able to turn to a channel. Most of the Hispanic culture here refer to stations by their Channel or network, not their call letters.

Local Community

We deal with the State, County, City and other governmental entities and with other stations. To be a real station would provide us with more standing in the community, and allows the Hispanic viewpoint to get the attention it deserves.

Some positive results here have come in unexpected ways. Four years ago hidden discrimination was reflected in a lack of interest by the general community businesses in advertising to Hispanics. Now the discrimination is breaking down as more and more business come face to face with Hispanics and discover that they like the people and want their business. They discover Hispanics are good workers, with family values. Remember...50 or 60 years ago the United States used hate words like WOP, Spic, etc.

While a major station may not have time to broadcast local community events, small stations do have time, and want the programming. New DV cameras provide a high quality way to increase diverse local programming with moderate or low cost, which also allow for our new 5 minute local newscast Monday thru Friday.